

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CULLAN AND CULLAN, LLC, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

M-QUBE, INC., et al.,

Defendants.

NO. 8:13-cv-00172-TDT

Honorable Thomas D. Thalken

STATUS REPORT BY INTERVENOR RICHARD GEIER

Intervenor Richard Geier respectfully submits this report to update the Court regarding the status of the lawsuit currently pending against Defendants in the United States District Court for the Western District of Washington, Case No. 2:13-cv-00354-TSZ.

On February 5, 2016, Mr. Geier filed a petition with the Ninth Circuit Court of Appeals under Rule 23(f), asking the Court to grant an appeal from the order denying Mr. Geier's motion for class certification. On February 16, 2016, Defendants responded to the petition. The case number assigned to the petition is 16-80018, and a decision by the Court of Appeals is forthcoming.

On February 17, 2016, Mr. Geier filed a renewed motion for class certification with the United States District Court for the Western District of Washington. *See* Wash. Action Dkt. # 206. The deadline for Defendants' response is March 7, 2016. Mr. Geier's reply is due March 11, 2016, and the motion will be submitted for consideration as of that date.

RESPECTFULLY SUBMITTED AND DATED this 23rd day of February, 2016.

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CERTIFICATE OF SERVICE

I, Toby J. Marshall, hereby certify that on February 23, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 23rd day of February, 2016.

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